

Statement of Senator Max Baucus
Testimony Before the Senate Commerce Committee
Congressional Tobacco Policy
March 11, 1998

Thank you Mr. Chairman, and members of the Senate Commerce Committee. I am honored to appear before you to offer my views on Congressional tobacco policy.

For Congress to decide what to do about tobacco, I think we should take a step back and ask ourselves, "What are we trying to accomplish?"

In my opinion, our shared goal could not be more clear: We sure make sure kids don't smoke. Smoking is a choice -- legal and legitimate. But it is a choice for adults to make. Teenagers aren't ready for it.

I think back to the days when I was a youngster. I got together with some of my friends and we tried to smoke cigarettes. There was a bit of glamor about it. We thought we were pretty cool, smoking on Mount Helena.

But when I got home, my mom smelled the smoke on me and let me have it. She really let me have it. The lesson she taught me has stuck with me to this day. In fact, she'll be flying into town today, so the memory is particularly strong this morning.

Mr. Chairman, I was lucky because I had a mom who took action. But many teens today do not have the strong parental influence that I was blessed with.

We must remember that last year's tobacco settlement between the state Attorneys-General and the tobacco industry was not the event that started this whole

process. The tobacco companies came to the negotiating table in response to the FDA teen smoking regulations that were finalized in August of 1996.

The primary goal of the FDA regulation was to restrict the sale, advertising, and distribution of tobacco products to minors.

The FDA regulations responded to a concern that teens are vulnerable. And the statistics prove it. In Montana, 31 percent of high school teens smoked a cigarette in the last month. An even higher number of high school boys used smokeless tobacco.

Nationally, estimates vary, but somewhere between 4 to 7 million teenagers under the age of 18 smoke. No matter whose numbers you believe, the amount is unacceptable.

There's a reason for this. It is that for quite some time, tobacco companies tried to get kids to smoke. And that is why I do not support broad liability protections for the tobacco industry.

Furthermore, liability protections that are crafted too broadly will bargain away future protection for the American people. What if science over the next ten years becomes more unified and solidly convinced that nicotine is the direct cause of lung cancer?

What if documents emerge proving the companies acted in concert to promote a product they knew was extremely harmful? A citizen's right to compensation would be severely limited by the June 20 agreement.

So I do not believe broad immunity is appropriate for the time being. But as we

work out this bill, we must also not lose sight of what in my view are the ultimate goals of a national tobacco policy:

- 1) To protect kids from a product that is harmful to them.
- 2) To make tobacco less available to kids.
- 3) To dedicate payments from the tobacco industry toward children. This includes programs to stop kids from smoking, child care, child health, and education.

In my opinion, these goals are accomplished by the Healthy Kids Act, a bill crafted by Senator Conrad and the Senate Democratic Task Force on Tobacco. The bill, like most pieces of comprehensive legislation, is extremely complex, but the effect will be simple. The number of kids who use tobacco will be reduced — dramatically.

We raise the price of cigarettes to make it harder for youths to afford smoking. We restrict tobacco advertising, especially the kind of advertising that targets youngsters. We fund programs that prevent teenagers from using tobacco. And, if the tobacco companies do not take measures to reduce the number of kids who smoke, we penalize the companies.

These are common sense solutions that will have a real and immediate impact. My hope is that as a Senate can unite and pass a bill similar to the Healthy Kids Act.

Settle the government cases, and let the American people settle the private

suits. Every day that passes more kids start smoking. And once they start, we may have lost them for good.

Thank you once again, Mr. Chairman, for this opportunity to testify before the committee today.